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OFFICE OF PETITIONS

In re Application of
Anders Berkenstam, et al.
Application No. 09/896,791
Filed: June 29, 2001
Attorney Docket No. 76272

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed November 13, 2006.

This application became abandoned for failure to timely pay the issue fees on or before December 6, 2005, as required by the Notice of Allowance and Fee(s) Due, mailed September 6, 2005. Accordingly, the date of abandonment of this application is December 7, 2005. A Notice of Abandonment was mailed on April 6, 2006. In response, on November 13, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that the petitioner has supplied (1) the reply in the form of the requisite issue fees; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay¹.

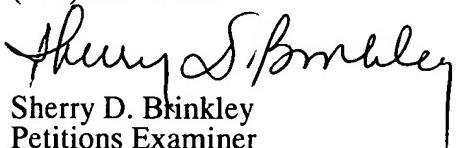
Accordingly, the petition is GRANTED.

The application is being referred to the Office of Publications to be processed into a patent.

It is noted that the petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Todd E. Garabedian appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. If Dr. Garabedian desires to receive future correspondence regarding this application, then the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: TODD E. GARABEDIAN, PH. D.
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